

# Notice of Allowability

Application No.

09/992,338

Examiner

James A. Reagan

Applicant(s)

LAM ET AL.

Art Unit

3621

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the response filed on 28 June 2006.
2. ☒ The allowed claim(s) is/are 1,3,9,10,30,32,38,39 and 63.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### **Status of Claims**

1. This action is in reply to the response filed on 28 June 2006.
2. Claims 1, 9, 30, 38 & 63 have been amended.
3. Claims 4-8 & 33-37 have been canceled.
4. Claims 1, 3, 9, 10, 30, 32, 38, 39 & 63 are currently pending and have been examined.

### **Allowable Subject Matter**

5. Claims 1, 3, 9, 10, 30, 32, 38, 39 & 63 are allowed. See Reasons for Allowance under separate heading.

### **Reasons For Allowance**

6. The following is an Examiner's statement of reasons for allowance:

None of the art of record, taken individually or combination, disclose at least the method step or system components of:

- *wherein said collecting jobs information further comprises:*
- *reading a set of nodes of said system:*
- *querying nodes of said set of nodes on said jobs information: and*
- *retrieving from said system results of said querying;*
- *wherein said reading comprises;*
- *retrieving from said system a full set of nodes of said system's and removing down nodes from said full set of nodes, wherein said down nodes include nodes*

*that fail to respond to operating system commands within a predefined period of time;*

- *wherein said querying comprises at least some of:*
- *querying nodes in said set of nodes on jobs information;*
- *querying nodes in said set of nodes on JobTracker information;*
- *querying nodes in said set of nodes on filesystem information;*
- *querying nodes in said set of nodes on cluster information; and*
- *querying nodes in said set of nodes on core files information; and*
- *wherein said querying nodes on JobTracker information comprises;*
- *selecting said tracked job state from a predefined list of job states; and*
- *producing a list of jobs in a queue of said system having said tracked job state.*

More specifically, the prior art of record fails to disclose the Applicant's steps of manipulating nodal information to arrive at a listing of jobs. Independent Claims 1, 30, and 63 are distinguished over the closest prior art of Archibold and Boucher, which teach a method for employing distributed processing and tracking of jobs (either electronic scribes or package delivery) by user queries of collected information. As recited in independent claims 1, 30, and 63, it is clear that the Applicant's invention is distinguished over both of the Archibold and Boucher inventions in at least the method step and/or system component as shown above.

### **Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Kumiko et al. (JP 10069402 A) discloses an automatic test control method for software.
- IBM Technical Bulletin (vol. 38, no. 05 May 1995) discloses a set of tools for the verification of the design of a computer.

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Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **James A. Reagan** whose telephone number is **571.272.6710**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James Trammell** can be reached at **571.272.6712**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> . Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks***

**Washington, D.C. 20231**

or faxed to:

**571-273-8300** [Official communications, After Final communications labeled "Box AF"]

**571-273-8300** [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window:**

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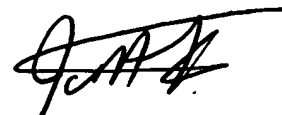
Alexandria, VA 22314.

JAMES A. REAGAN

Primary Examiner

Art Unit 3621

28 August 2006



**JAMES A. REAGAN  
PRIMARY EXAMINER**